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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,759	01/17/2006	Dirk Albertus Bodegom	A05355US (98538.3)	5461
22920 7590 03/05/2008 GARVEY SMITH NEHRBASS & NORTH, LLC LAKEWAY 3, SUITE 3290 3838 NORTH CAUSEWAY BLVD. METAIRIE, LA 70002				
EXAMINER				
ANDRISH, SEAN D				
ART UNIT		PAPER NUMBER		
3672				
MAIL DATE		DELIVERY MODE		
03/05/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/537,759

Applicant(s)

BODEGOM, DIRK ALBERTUS

Examiner

Sean D. Andrish

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show "an oversize of line length" and "a limiter" as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Regarding claims 1, 14, and 16, the phrases "such as" and "in particular" render the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

3. Claim 9 recites the limitations "the discharge end" and "the end of a drainage line".

There is insufficient antecedent basis for these limitations in the claim.

4. Claim 15 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The limitations as set forth in claim 15 are identical to those of claim 14.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cognon (EP0329500) in view of Snyder (2,162,184).

With regard to claims 1, 2, 3, 4, 9, 16, and 17, Cognon discloses a system comprising: a series of spaced apart drains (13) extending vertically downwardly in the soil (1) and a horizontally extending drainage line (21), which is arranged in the soil (1) for receipt of the soil fluid passed through the downwardly extending drains (13) and which in a transitional area in a border area of the soil area to be treated (1) changes into a pump line (21) which leads to a pump (18) positioned outside of the soil area to be treated (1) ([Fig. 4]; abstract). Cognon fails to disclose an oversize of line length being provided in the transitional area prior to making the system operational, the oversize being designed as a slide connection with an overlap between a

discharge end of the drainage line and a receiving end of the pump line that are inserted into each other. Although Cognon is silent as to connections used between system components including drains (13) and the horizontal drainage line (21), it would have been obvious to one of ordinary skill in the art at the time the invention was made to have transported smaller, straight lengths of pipe to the site and assembled the lengths of pipe using connectors to reduce transportation costs. The use of a connector at the junction between pipe 17 and pipe 21 [Fig. 4] would place the connector in the transitional area. Snyder teaches an oversize of line length (10, 11 within coupling), the oversize being designed as a detachable slide connection with an overlap between two line ends (10, 11) that are inserted into each other ([Figs. 1 and 2]; column 2, lines 20 – 34; column 4, lines 9 – 31; column 5, line 75 – column 6, line 2) to provide a fluid-tight seal between two pipes. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have designed the pipe connector as taught by Snyder such that it has a length adjusted to the expected settlement. Furthermore, it would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the structure as disclosed by Cognon with the connector as taught by Snyder to create a fluid-tight seal between two pipes.

With regard to claim 5, Cognon discloses all of the limitations of the above claim(s) except for the receiving end of the pump line being slidably accommodated in the discharge end of the drainage line. Snyder teaches the end of pipe 10 being slidably accommodated in the discharge end of pipe 11 [Figs. 1 and 2] to create a fluid-tight seal that allows for slight relative movement between the connected pipes. It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the structure as

disclosed by Cognon with the connector as taught by Snyder to create a fluid-tight seal that allows for slight relative movement between the connected pipes.

Regarding claim 6, Cognon discloses all of the limitations of the above claim(s) except for the slide connection comprising a sleeve part and a clamping part for securing the discharge end of the drainage line to the sleeve part by clamping about it, the sleeve part slidably holding the receiving end of the pump line. Snyder teaches a slide connection comprising a sleeve (21) and a clamp (12, 16) for securing the end of pipe (11) to sleeve (21) by clamping about it, the sleeve (21) slidably holding an end of pipe (10) [Fig. 2] to create a fluid-tight seal between pipe segments. It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the structure as disclosed by Cognon with the connector as taught by Snyder to create a fluid-tight seal between pipe segments.

Regarding claim 7, Cognon discloses all of the limitations of the above claim(s) except for sealing being arranged between the sleeve part and the receiving end of the pump line. Snyder teaches a seal (25) between the sleeve (21) and pipes (10, 11) to create a fluid-tight seal between pipe segments. It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the structure as disclosed by Cognon with the connector as taught by Snyder to create a fluid-tight seal between pipe segments.

With regard to claim 8, Cognon discloses all of the limitations of the above claim(s) except for the slide connection being provided with a limiter which is active in the direction of mutual approach of the discharge end of the drainage line and the receiving end of the pump line. Snyder teaches a slide connection being provided with a stop (23) which is active in the direction of mutual approach [Fig. 2] to create a fluid-tight seal between pipe segments. It would have

been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the structure as disclosed by Cognon with the connector as taught by Snyder to create a fluid-tight seal between pipe segments.

Regarding claim 10, Cognon discloses all of the limitations of the above claim(s) except for the slide connection being accommodated within a sleeve that is part of the discharge end. Snyder teaches a slide connection being accommodated within a sleeve (21) that is part of the end of one pipe (10) being connected via the slide connection [Fig. 2] to create a fluid-tight seal between pipe segments. It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the structure as disclosed by Cognon with the connector as taught by Snyder to create a fluid-tight seal between pipe segments.

With regard to claims 11 and 12, Cognon further discloses downwardly extending elongated drains (13), formed by drainage ribbons, spaced apart from each other [Fig. 4].

Regarding claim 13, Cognon further discloses a drainage line (21) covered by a sealing layer (15) ([Fig. 4]; abstract).

Regarding claims 14 and 15, Cognon further discloses a number of systems connected to a central pump (18) with their own pump line (21) [Fig. 4].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean D. Andrish whose telephone number is (571)270-3098. The examiner can normally be reached on Mon - Fri, 7:30am - 5:00pm, Alternate Fri off, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sunil Singh/
Primary Examiner, Art Unit 3672

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Primary Patent Examiner
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SDA
1/25/2008